

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BRENNAN M. GILMORE,

Plaintiff,

v.

ALEXANDER E. (ALEX) JONES, et al.,

Defendants.

No. 3:18-cv-00017-NKM-JCH

PLAINTIFF'S MOTION FOR RELIEF

Plaintiff Brennan Gilmore files this motion to advise the Court that Defendant Lee Stranahan has failed to comply with the Court's April 1, 2021 order setting deadlines for Mr. Stranahan to comply with Plaintiff's discovery requests, D.I. 255, and respectfully to seek relief from Mr. Stranahan's failure to comply.

In its April 1, 2021 order, the Court directed Mr. Stranahan to either personally review the 77 videos he had posted on Periscope and identify the portions responsive to Plaintiff's discovery requests, or to produce full transcriptions of those recordings by Friday, April 9, 2021. D.I. 255 at 3. The Court also ordered Mr. Stranahan to respond to Plaintiff's second set of discovery requests by April 14, 2021, taking into account Mr. Stranahan's medical conditions. *Id.*

As of the date of this Motion, Mr. Stranahan has yet to comply with either of the Court's orders. Specifically, Mr. Stranahan has not produced any transcripts or otherwise identified responsive portions of his produced Periscope videos. Mr. Stranahan also has not responded to Plaintiff's second set of discovery requests, which were *served more than three months ago* on January 15, 2021.

The only communications Plaintiff received from Mr. Stranahan about these issues were four emails on April 7, 8, 14 and 19, 2021. Those emails blamed medical and computer issues for the delay, and promised compliance by deadlines that were not met. *See* Declaration of Hassen A Sayeed (“Sayeed Declaration”), Exs. A-E.

On April 19, 2021, Plaintiff emailed to inform the Court that Mr. Stranahan had failed to comply with the deadline set in its April 1, 2021 order. On the same day, Mr. Stranahan responded to Plaintiff that he “expect[ed] to have the [interrogatory] response within the week,” and that he “may [have] some files within the next few days.” *See* Sayeed Decl., Ex. F at 1. Although another week has passed, Plaintiff has not still heard from Mr. Stranahan.

Plaintiff is sympathetic to Mr. Stranahan’s difficulties. But months have passed, and Mr. Stranahan’s failure to provide fact discovery in a timely fashion endangers the parties’ ability to adhere to the current case schedule. Accordingly, Plaintiff respectfully seeks guidance from the Court on how to address Mr. Stranahan’s failure to comply with his discovery obligations, including through an order to show cause or such other order as the Court deems appropriate.

Dated: April 27, 2021

Respectfully submitted,

By: /s/ Hassen A. Sayeed
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2021, a copy of the foregoing Motion to Compel was served on all parties via the Court's Electronic Case Filing system, and separately sent via electronic mail to Mr. Lee Stranahan, Mr. Derrick Wilburn, and Mr. Scott Creighton.

/s/ Hassen A. Sayeed
Hassen A. Sayeed